

CIVIL ACTION NO. 11-11646-RGS

UNUM GROUP AND PROVIDENT LIFE AND
ACCIDENT INSURANCE COMPANY,

Plaintiffs

v.

THE BENEFIT PARTNERSHIP AND MICHAEL P. IPPOLITO

Defendants

v.

AMERICAN NATIONAL INSURANCE COMPANY

Reach and Apply Defendant

v.

FLORENCE SAVINGS BANK,

Trustee Defendant

ORDER ON ASSESSMENT OF DAMAGES

August 14, 2013

STEARNS, D.J.

Pursuant to this court's Memorandum and Order dated April 11, 2013, and a hearing on assessment of damages, attorney's fees, and costs held on August 14, 2013, it is hereby ordered:

1. The amount owed jointly and severally by defendants in unreturned commissions is \$1,063,749.07, plus statutory interest at the rate of 12% beginning September 16, 2011.
2. The defendants are jointly and severally liable for plaintiffs' attorney's fees in the amount of \$107,830.
3. Defendants are jointly and severally liable for plaintiffs' costs in the amount of \$2,149.
4. All monies currently being held in escrow by Mirick O'Connell DeMallie & Lougee LLP pursuant to this court's February 9, 2012 order allowing Unum Group and Provident Life and Accident Insurance Company's motion to reach and apply proceeds may be paid forthwith to Unum Group and Provident Life and Accident Insurance Company, and applied against the judgment.

5. The Reach and Apply defendant, American National Insurance Company, its officers, agents, employees, representatives, transferees, and assigns, are permanently enjoined from paying, assigning, transferring, waiving, or otherwise disposing of any commissions or other contractual payments due or to become due The Benefit Partnership, Inc. and Michael Ippolito, and such monies shall be paid to Provident Life and Accident Insurance Company c/o Broker Compensation Services, Repayment of Advance Debt, until the judgment is satisfied in full.

The Clerk shall enter judgment for Unum Group and Provident Life and Accident Insurance Company on Count V (reach and apply) and close the case.

SO ORDERED.

/s/ Richard G. Stearns

UNITED STATES DISTRICT JUDGE